

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

CASE NO. 8:05CR116

Plaintiff,

V.

ORDER

CLINTON BROOKS,

Defendant.

This matter is before the Court sua sponte. On March 13 2007, this Court issued a Memorandum and Order instructing the Defendant, Clinton Brooks, to file with the Court a signed affidavit under penalty of perjury pursuant to 28 U.S.C. § 1746 responding to each statement made in the Affidavit of David F. Eaton. (Filing No. 268.) The Court gave the Defendant until April 10, 2007, to file the affidavit. This deadline has now passed, and the Defendant failed to respond to the Court's Order. Therefore, by **May 18, 2007**, the Defendant shall file with the Court a written document: 1) showing cause why he failed to respond to the court's March 13, 2007, Order; and 2) provide the Court with the requested affidavit. If the Defendant does not respond to this Order, the Court may decide the Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a person in Federal Custody based on the record currently before the Court.

IT IS ORDERED:

1. The Defendant shall:
 - a. show cause why he failed to respond to the court's March 13, 2007, Order; and
 - b. provide the court with the requested Affidavit by **May 18, 2007**;
2. The Clerk of Court is directed to send a copy of this Order to the Defendant at his last known address.

DATED this 23rd day of April, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge